

Lewis County Planning Commission Work Session 8/28/2012
First Draft Code Amendment - Chapter 16.02.040(8)

(ATTACHMENT A)

Repeal LCC Chapter 16.02.040(8) in its entirety, and substitute the following:

(8) Boundary Line Adjustment: a division made for the purpose of alteration by adjusting boundary lines, between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division and which does not create a resulting lot, tract, parcel, site or division containing insufficient area and dimension to meet minimum requirements for width and area of the zone. Boundary line adjustments are subject to the following:

- (a) Application. A complete application for a boundary line adjustment request shall be submitted to the Administrator for review and shall include:
 - (i) An adjusted legal description of the lots affected by the boundary line adjustment prepared and certified by a registered land surveyor or title company; and
 - (ii) A scale drawing of the lots affected by the boundary line adjustment, including the location and size, of all existing structures, wells, septic systems including reserve area, easements, roads, wetlands, overhead and underground utilities, railroad lines, municipal boundaries, section lines, township lines, or other important existing features which may be relevant in reviewing the proposed boundary line adjustment; and
 - (iii) A notarized declaration that all parties involved consent to the proposed boundary line adjustment.
- (b) Criteria for Approval. The proposed boundary line adjustment must meet the following criteria:
 - (i) Only parcels that are legal lots of record shall be allowed to complete the boundary line adjustment process;
 - (ii) A boundary line adjustment shall not detrimentally affect access, be inconsistent with Lewis County development regulations, or adversely affect public health and safety. The evaluation of detrimental or adverse effect shall include review by the Lewis County Health Department, Department of Public Works, or any other applicable agency or department;

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- (iii) If within an approved subdivision, a boundary line adjustment shall not violate the conditions of subdivision approval; and
 - (iv) The proposed boundary line adjustment shall not make any land use nonconforming or more nonconforming as defined by Lewis County Code.
- (c) Review Process. Boundary line adjustment applications shall be reviewed by the Department of Community Development or other appropriate county departments, state or federal agencies for conformity with existing land use development regulations, zoning standards, access requirements, and health and safety standards as may apply to existing permitted development on the existing and proposed lots to assure that there is no detrimental effect on access, drainage systems or on public health and safety including potable water supply and/or on-site sanitary sewage disposal:
 - (i) If existing lots were created by a recorded subdivision or short subdivision, and/or any lot contains a permitted structure where approval was conditioned on the use of on-site septic system(s) or individual well(s), the proposed boundary line adjustment shall be reviewed by the Lewis County Health Department for compliance with health regulations. All costs for such review shall be paid in advance by the applicant
 - (ii.) If a proposed boundary line adjustment has a potential effect on existing access or drainage systems, the application shall be reviewed by Lewis County Public Works for compliance with access and stormwater requirements. All costs for such review shall be paid in advance by the applicant.
 - (iii.) The Administrator shall within thirty days of receipt of a complete boundary line adjustment application, approve, deny or approve with conditions such application. The reason(s) for denial of an application shall be in writing.
- (d) Recording of Approved Boundary Line Adjustments. Within thirty days of the final approval of a proposed boundary line adjustment, the legal description, scale drawing (map) and notarized declaration shall be recorded with the Lewis County Auditor by either the applicant or the Community Development Department; all costs associated with such recording shall be paid in advance by the applicant.
- (e) Boundary Line Adjustment Limitation. An approved boundary line adjustment is only Lewis County's consent to the necessary transfer of property that must be accomplished to change the property boundaries of the lots affected by a boundary line adjustment. The

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boundary line adjustment does not go into effect until the owner(s) of the affected properties record such deed(s) as may be necessary to appropriately transfer property within an approved boundary line adjustment, and to pay any recording fees or taxes as may be due to the Lewis County Treasurer.

(f) Disclaimer. Approval of a boundary line adjustment does not represent or warrant that any lot so altered by an approved boundary line adjustment is suitable for development. All boundary line adjustments filed with the Auditor shall contain the following on the recorded map:

“The lots affected by this boundary line adjustment have not been reviewed for building permit purposes, may not conform to Health Department requirements for water or sanitary on-site septic systems, and may not be suitable for development.”